IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 27 of 2007 (O&M)

Date of Decision: 11.01.2007

State of Haryana and Ors. ...Appellants

Vs.

Mangat Ram ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Ashish Sharama, DAG, Haryana,
for the appellants.

Vinod K.Sharma, J. (Oral)

Present appeal has been filed against an order passed by the learned lower appellate court vide which finding of the learned Trial Court on issue No.3 was reversed and the suit filed by the plaintiff-respondent was decreed.

The learned Trial Court had decided all the issues in favour of the plaintiff-respondent except issue No.3 wherein the learned trial Court has held that as appeal was maintainable against the order passed by the Collector and therefore, Civil Court has no jurisdiction.

The learned lower Appellate Court rightly came to the conclusion that even before the passing of the order by the Collector, Ramji Dass was dead. Inspite of that no steps were taken to bring on record the legal representatives of Ramji Dass on record and in fact, there is no order against the plaintiff-respondent except the orders issuing warrants of arrest for enforcement of the order alleged to have been passed against Ramji Dass. Learned lower appellate court was therefore, right in coming to the conclusion that as the orders were contrary to the statutory provisions of law itself, therefore, jurisdiction of the civil court was not barred and findings on issue No.3 were reversed.

There is no illegality in the impugned order which may call for interference by this court.

The appeal is, accordingly, dismissed on merit as well as barred by limitation.

(Vinod K.Sharma)
Judge

11.01.2007
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